

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0597-03  
Bill No.: Perfected HCS for HJR 5  
Subject: Constitutional Amendments; Entertainment, Sports and Amusements  
Type: Original  
Date: April 13, 2011

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Bill Summary: This resolution proposes a constitutional amendment guaranteeing citizens the right to hunt and fish, subject to reasonable regulations and restrictions as provided by law.

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>                   |   |   |            |
|---|---|---|------------|
| FUND AFFECTED   | FY 2012                                   | FY 2013                                   | FY 2014    |
| General Revenue   | \$0 or (More than<br>\$7,000,000)         | \$0 or (More than<br>\$7,000,000)         | \$0        |
|   |   |   |            |
| <b>Total Estimated<br/>Net Effect on<br/>General Revenue<br/>Fund</b> | <b>\$0 or (More than<br/>\$7,000,000)</b> | <b>\$0 or (More than<br/>\$7,000,000)</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>                      |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2012    | FY 2013    | FY 2014    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>Other</u><br/>State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS                                 |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2012    | FY 2013    | FY 2014    |
|   |            |            |            |
|   |            |            |            |
| <b>Total Estimated<br/>Net Effect on <u>All</u><br/>Federal Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) |          |          |          |
|--|----------|----------|----------|
| FUND AFFECTED                                      | FY 2012  | FY 2013  | FY 2014  |
|  |          |          |          |
|  |          |          |          |
| <b>Total Estimated<br/>Net Effect on<br/>FTE</b>   | <b>0</b> | <b>0</b> | <b>0</b> |

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☒ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS |            |            |            |
|-------------------------------------|------------|------------|------------|
| FUND AFFECTED                       | FY 2012    | FY 2013    | FY 2014    |
| <b>Local Government</b>             | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

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## **FISCAL ANALYSIS**

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### **ASSUMPTION**

Officials from the **Department of Agriculture** and **Department of Natural Resources** assume the proposal would have no fiscal impact on their funds.

In response to HCS for HB 5, 0597-02, officials from the **Department of Conservation** assume the fiscal impact of this proposal is unknown to the department. It could give rise to litigation in enforcement matters, challenging the Commission's authority to manage and regulate.

**Oversight** assumes this proposal should have no fiscal impact on the Department of Conservation. **Oversight** also assumes that the Department of Conservation could absorb any costs arising from the proposal with existing resources.

Officials at the **Office of the Secretary of State (SOS)** assume unless a special election is called for the purpose, Joint Resolutions are submitted to a vote of the people at the next general election. If a special election is called to submit a Joint Resolution to a vote of the people, section 115.063.2 RSMo requires the state to pay the costs. Article III section 52(b) of the Missouri Constitution authorizes the general assembly to order a special election for measures referred to the people and Article XII section 2(b) authorizes the governor to call a special election to submit constitutional amendments to a vote of the people.

The SOS is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article I, Section 26, 27, 28 of the Missouri Constitution and Section 116.230-116.290, RSMo. The Secretary of State's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. Funding for this item is adjusted each year depending upon the election cycle with \$1.3 million historically appropriated in odd numbered fiscal years and \$100,000 appropriated in even numbered fiscal years to meet these requirements. The appropriation has historically been an estimated appropriation because the final cost is dependent upon the number of ballot measures approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2011, at the August and November elections, there were 6 statewide Constitutional Amendments or ballot propositions that cost \$1.02 million to publish (an average of \$170,000 per issue). Therefore, the Secretary of State's office assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements.

However, because these requirements are mandatory, we reserve the right to request funding to meet the cost of our publishing requirements if the Governor and the General Assembly change the amount or eliminate the estimated nature of our appropriation.

ASSUMPTION (continued)

**Oversight** has reflected in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2011. This reflects the decision made by the Joint Committee on Legislative Research, that the cost of the elections should be shown in the fiscal note. The next scheduled general election is in February (FY 2012). It is assumed the subject within this proposal could be on that ballot; however, it could also be on a special election called for by the Governor. Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2012.

To estimate the expense the state would incur for reimbursing local political subdivisions for a special election, Oversight requested expense estimates from all election authorities for an election. Eighty-six out of the one hundred fifteen election authorities responded to Oversight's request. From these respondents; the total election expense that would have to be reimbursed by the state government is over \$7 million. Therefore, Oversight will reflect a potential cost borne by the state in FY 2012 of over \$7 million for reimbursement to the local political subdivisions. Oversight assumes the Governor could call for a special election to be held prior to February , 2012 regarding this joint resolution; however, if a special election is not called, the subject will be voted on at the general election in November 2012.

| <u>FISCAL IMPACT - State Government</u>   | FY 2012<br>(10 Mo.)                              | FY 2013  | FY 2014           |
|---|--|--|-------------------|
| <b>GENERAL REVENUE</b>  |  |  |                   |
| <u>Expense</u> - reimbursement of local political subdivisions for special election costs | \$0 or (More than<br><u>\$7,000,000</u> )        | <u>\$0 or (More than<br/>\$7,000,000)</u>        | <u>\$0</u>        |
| <b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>                                   | <b>\$0 or (More than<br/><u>\$7,000,000</u>)</b> | <b>\$0 or (More than<br/><u>\$7,000,000</u>)</b> | <b><u>\$0</u></b> |

| <u>FISCAL IMPACT - Local Government</u>                                | FY 2012<br>(10 Mo.)                  | FY 2013                                       | FY 2014           |
|--|--------------------------------------|---|-------------------|
| <b>LOCAL POLITICAL SUBDIVISIONS</b>                                    |                                      |   |                   |
| <u>Income</u> - cost reimbursement from the State for special election | \$0 or More than<br>\$7,000,000      | \$0 or More than<br>\$7,000,000               | \$0               |
| <u>Expense</u> - cost for special election                             | \$0 or (More<br>than<br>\$7,000,000) | <u>\$0 or (More<br/>than<br/>\$7,000,000)</u> | <u>\$0</u>        |
| <b>ESTIMATED NET EFFECT TO<br/>LOCAL POLITICAL SUBDIVISIONS</b>        | <u><b>\$0</b></u>                    | <u><b>\$0</b></u>                             | <u><b>\$0</b></u> |

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

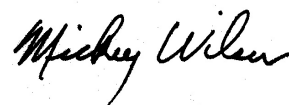
FISCAL DESCRIPTION

Upon voter approval, this proposed constitutional amendment guarantees citizens the right to hunt and fish, subject to reasonable regulations and restrictions as provided by law.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Secretary of State  
Department of Conservation  
Department of Agriculture  
Department of Natural Resources



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Director  
April 13, 2011